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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,196	10/29/2001	Kent Massey	9698-2 US1	4119

23973 7590 06/22/2007

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EXAMINER	
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ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/003,196	MASSEY, KENT	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-18,20-22 and 24-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-18,20-22 and 24-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 04/02/2007. Claims 1, 3, 4, 6, 8, 32 and 33 are previously presented. Claims 2, 11-17, 21, 25, 26, 28, 29 are original. Claims 7, 9, 10, 18, 20, 22, 24, 27, 30, 31 and 34 are amended. Claims 5,19 and 23 are cancelled.

2. Claims 1, 2, 3, 6, 8, 32 and 33 have the heading "Previously Amended." The heading should be "Previously Presented."

Response to Arguments

3. Applicant's arguments with respect to claims 9-18, 20-31 and 34 have been considered but are moot in view of the new ground(s) of rejection.

The amendments made to Claims have not overcome the 101 rejections. Although the amendment of the data structure, the language of claim still does not meet the Interim Guidelines. See rejections.

4. Applicant's arguments filed 04/02/2007 have been fully considered but they are not persuasive.

Claims 1-3:

Regarding Claims 1-3, the applicant argues that Bejan does not disclose limitations "(g) producing one or more sets of variation scenes...." Or "when the viewer is brought to a scene sequence..." (Page 17). The applicant argues that Bejan does not alter the content of sequences that may be viewed after passing the linking point and these variation scenes are sued to slightly modify the content of certain scenes that follow a linking scene (Pages 17-24). The applicant further argues that variation scenes are to have set differ from each other by the dialog and expression of at least one character (Page 24). The applicant further argues that Bejan discloses a polling input during a "multi-perspective act" to allow the audience majority to choose a character in the act and follow that perspective and that Bejan does not disclose anything happening after the intersection scene that links to decision made prior to the scene (Pages 17-24). The applicant also provides a proposed Figure to Bejan's Figure 3 to point out how the applicant's invention is different from the invention of Bejan (Page 23).

In response to the argument, the examiner respectfully disagrees. Bejan discloses that branching then continues from the branching scene following an intersection scene and intersection scenes brings all the various branches together in

time and the branching then continues (Column 10, lines 1-21). Bejan further discloses that the first decision of following a particular character is made prior to the intersection scene and that decision is reflected throughout the entire show including after the linking scene (Column 9, lines 56-58). Therefore, branching scenes are based on the first decision or reflect the consequences of previous decisions. The invention of Bejan still meets the limitations disclosed in Claim 1.

Regarding Claim 2, Bejan discloses that same characters and props and that variation scenes in a set differ from each other in dialog and expression as the decisions of the branching cause different scenes to be produced scene or a scene is displayed to the audience and the audience is presented with three choices on the direction of the plot and can select a character (Column 8, lines 40-50, Column 9, lines 39-45). Claim 3 is directed towards two or more interactive viewers (Column 8, lines 40-50, Column 9, lines 39-45). See above response to arguments of Claim 1.

Claims 4 and 6:

Regarding Claims 4 and 6, the applicant argues that Bejan does not teach steps (d) and in each act that can be presented in a different order, providing neutral scenes in which the content is not dependent upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependent upon the order in which the act is viewed; and providing alternative connecting scenes leading into and out of the act; (e) and prompting the viewer to make one of the alternative decisions that

will determine the order of a subsequent act; (f) presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that reflect the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene that correspond to the viewer's selected on of the alternative decisions. The applicant further argues that reusable scenes are not neutral and do not reflect set of alternative scenes in which content is dependent upon the order in which the act is viewed. The applicant also provides a proposed Figure to Bejan's Figure 3 to point out how the applicant's invention is different from the invention of Bejan. (Pages 24-26)

In response to the argument, the examiner respectfully disagrees. Bejan further discloses that the first decision of following a particular character is made prior to the intersection scene and that decision is reflected throughout the entire show including after the linking scene (Column 9, lines 56-58). See argument of Claim 1. The invention of Bejan still meets the limitations disclosed in Claim 1.

Claim 6 depends on Claim 4. The rejection is maintained.

Claims 7-8:

Regarding Claims 7, the applicant argues that Bejan does not teach steps (d), (e), and (f) in the amendment. The new limitations are "(d) in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act, wherein the alternative connecting scenes contain content that is related

to the order in which the act is selected for viewing" and "(f) presenting to the viewer in the subsequent act determined by his decision the alternative connecting scent that reflects the order in which the act is selected for viewing" (Page 27).

In response the applicant, Bejan discloses that acts are presented in different order or 2nd branch A to 3rd branch A, B, C to intersection scene or 2nd branch B to 3rd branches D, E, F, and so on. The viewer chooses alternative decisions, which determine the order of subsequent act, or 3rd branch B chooses the next act and the act reflects the alternative connecting scenes based on the act that the viewer chose. The applicant is reading into his invention that scenes are placed in different orders such as 4th branch scene are placed before 2nd and 3rd branches. The claims do not explicitly disclose that the alternative connecting scenes in acts are the same scenes, which are placed out order for selection by the user. Bejan discloses (d) in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act, wherein the alternative connecting scenes contain content that is related to the order in which the act is selected for viewing or selecting from content from the branching scenes (Figure 3) and then prompting the viewer to make a decision to determine the subsequent act (Figure 3) and presenting to the viewer, in the subsequent act determined by his decisions, the alternative connecting scene that reflect the order in which the act is selected for viewing or an order of scenes is displayed based on the user's selections (Figure 3). Also, the order of acts such as a multi-perspective act and/or branching act could be reversed (Column 6, lines 64-67, Column 7, lines 1-7).

Claim 8 depends on Claim 7. The rejection is maintained.

Claims 9-10:

Regarding Claim 9, the applicant argues that Bejan does not disclose limitations (e) and (f) of claim 9. The applicant argues that Bejan does not disclose one or more variation scenes that introduce content that reflect consequences of previous decisions following the linking scene (Page 28)

In response to the applicant, see response to arguments for Claim 1. Claim 10 depends on Claim 9. The rejection is maintained.

Claims 18 and 20-22:

Regarding Claim 18, the applicant argues that Bejan does not disclose elements (b), (c) or (d) specifically that Bejan does teach presentation of acts in different order. The applicant further argues that scene portion described at Column 10, lines 12-21 to be neutral and that no suggestion of presenting neutral scenes interspersed with alternative scenes that reflect consequences of previous decisions (Pages 29-30). The applicant amended claim limitation (d) with software enabled coding for presenting.

In response to Claim 18, please see the response to arguments of Claims 1 and 7. Also there is no claim limitation for presenting neutral scenes interspersed with alternative scenes that reflect consequences of previous decisions in Claim 18. Also,

Bejan discloses software enabled coding or a program for presenting to the viewer the alternative content in the act that is appropriate for the order in which the act is viewed (Column 6, lines 62-67, Column 7, lines 1-24, Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-22).

Claims 20-22 are dependent upon Claim 18. The rejections are maintained.

Claim 24:

Regarding Claim 24, the applicant argues that Bejan does not disclose elements (e) or (f) or basically modification of scenes at and after a linking scene by interspersing into the scene sequence the variation scene that appears consequence of character's earlier decisions. The applicant also argues that scene portions such as walking down a hall does not reflect consequence of previous decision (pages 31-32). The applicant added claim limitation (f) with software enabled coding for identifying in a scene sequence a variation scene that is selected from a set of variation scenes associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene.

In response to the applicant, the claim requires viewer's decision not character's decisions. See response to arguments for Claim 1. Bejan disclose software enabled coding or a program for identifying in a scene sequence a variation scene that is associated with that scene sequence, wherein the selection is based upon previous

decisions made prior to the linking scene (Column 6, lines 62-67, Column 7, lines 1-24, Column 9, lines 55-67).

Claim 27:

Regarding Claim 27, the applicant argues that Bejan does not disclose elements (b), (c) or (d). The applicant argues that Bejan does not teach or suggest presentation of acts in different order (Pages 32-33). The applicant makes similar arguments to Claim 7. The applicant amended claim limitation (d) with software enabled coding for presenting.

In response to arguments, see response to arguments of Claim 7. Also, Bejan discloses software enabled coding or a program for presenting to the viewer the alternative content in the act that is appropriate for the order in which the act is viewed (Column 6, lines 62-67, Column 7, lines 1-24, Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-22).

Claim 30:

Regarding Claim 30, the applicant argues that Bejan does not disclose elements (e) and (f) (Page 33). The applicant added claim limitation (f) with software enabled coding for identifying in a scene sequence a variation scene that is selected from a set

of variation scenes associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene.

In response to arguments, see response to arguments of Claims 1, 9, and 24. Also, Bejan disclose software enabled coding or a program for identifying in a scene sequence a variation scene that is associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene (Column 6, lines 62-67, Column 7, lines 1-24, Column 9, lines 55-67).

Claim 31:

Regarding Claim 31, the applicant argues that Bejan does not disclose elements (b), (c) or (d). The applicant argues that Bejan does not teach or suggest presentation of acts in different order (Page 34). The applicant makes similar arguments to Claim 7. The applicant amended claim limitation (d) with software enabled coding for presenting.

In response to arguments, see response to arguments of Claim 7. Also, Bejan discloses software enabled coding or a program for presenting to the viewer the alternative content in the act that is appropriate for the order in which the act is viewed (Column 6, lines 62-67, Column 7, lines 1-24, Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-22).

Claim 18:

Regarding Claim 18, the applicant argues that Bejan does not disclose elements (c) or (d) specifically that Bejan does teach presentation of acts in different order (Pages 35-37). The applicant amended claim limitation (d) with software enabled coding for presenting.

In response to Claim 18, Shiels discloses that acts are presented in different order or A to G with four possible endings W, X, Y, Z. The viewer chooses alternative decisions, which determine the order of subsequent act chooses the next act and the act reflects the alternative connecting scenes based on the act that the viewer chose. The applicant is reading into his invention that scenes are placed in different orders such as segment H must be viewed prior to segment K. The claims do not explicitly disclose that the alternative connecting scenes in acts are the same scenes, which are placed out order for selection by the user. Shiels discloses software enabled coding for presenting to the viewer, in the subsequent episode determined by his decision, the alternate scene in the act that are appropriate to the order in which the episode is presented (Column 4, lines 18-57, Column 6, lines 3-66). See new rejection.

Claims 20-22:

Claims 20-22 are dependent on Claim 18. See rejection.

Claims 27-29:

Regarding Claims 27-29, the applicant argues that Shiels does not disclose elements (b), (c), (d). The applicant amended claim limitation (d) with software enabled coding for presenting. The arguments are similar to Claim 18 arguments.

See response to arguments for Claim 18. Claims 28 and 29 depend from Claim 27. The rejections are maintained.

Claim 31:

Regarding Claim 31, the applicant argues that Shiels does not disclose elements (b), (c), (d). The applicant amended claim limitation (d) with software enabled coding for presenting. The arguments are similar to Claim 18 arguments.

See response to arguments for Claim 18. Claims 28 and 29 depend from Claim 27. The rejections are maintained.

Claims 32-33:

The applicant argues that Shiels does not discloses elements (b), (d), (e), or (f). The applicant argues that Shiels does not disclose or suggest a method for providing interactive entertainment which includes step of providing the entertainment in episodes and allowing the viewer to make alternative decisions that will determine an order in a subsequent episode (Page 39). Also that Shiels does not disclose providing alternative

connecting scenes leading into and out of the episode and presenting the viewer with connecting scenes that are providing to the order the episode is presented (Pages 39-40).

In response to the arguments, Shiels discloses a method for providing interactive entertainment in periodic serial format (Abstract, Column 6, lines 34-44, Column 8, lie ns 12-19), the method comprising the steps of and the interactive entertainment: (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of periodic episodes (Figure 6, B, D, Column 8, lines 12-19), each episode containing potentially viewable scenes (Column 8, lines 12-19, Figure 6); (b) in at least one of the episodes, presenting to the viewer alternative decisions that will determine an order in which a subsequent episode will be presented (Column 6, lines 34-44); (c) enabling the viewer to select one of the alternative decisions (Column 6, lines 29-29); (d) in each episode that can be presented in a different order, providing alternative connecting scenes leading into and out of the episode or having scenes A leading into the episodes and C, H, E, lead out of the episodes (Figure 6, B, D, A); (e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent episode (Column 6, lines 34-44); (f) presenting to the viewer, in the subsequent episode determined by his decision, the alternative connecting scenes that are appropriate to the order in which the episode is presented (Column 4, lines 18-57, Column 6, lines 3-66, Column 8, lines 12-19). Also, Shiels discloses that acts are presented in different order or A to G with four possible endings W, X, Y, Z. The viewer chooses alternative decisions, which determine the order of subsequent act chooses

the next act and the act reflects the alternative connecting scenes based on the act that the viewer chose. The applicant is reading into the invention that scenes are placed in different orders such as segment H must be viewed prior to segment K; there is no mention of these arguments in the claims.

Claim 33 depends on Claim 32. The rejection is maintained.

Claim 34:

Regarding Claim 34, the applicant argues that Shiels does not disclose elements (c) or (d). The applicant argues that Shiels does not provide sets of alternative scenes to present in the act to provide alternative content in the act that is appropriate for the order in which the act is viewed.

In response to the argument, Shiels discloses providing sets of alternative scenes to presented in the act to provide alternative content in the act that is appropriate for the order in which the act is viewed (Figure 6). See response to arguments for Claims 18 and 32.

103 Claim Rejections:

Claims 11-17 depend on Claim 10. Claims 25 and 26 depend from Claim 24. Claims 12 and 15 depended on Claim 10. Rejections are maintained.

5. Applicant's arguments filed 04/20/2007 have been fully considered but they are not persuasive.

The applicant argues that the double patenting with copending application 10/003187 should be reconsidered due to limitations (g) and (h). The limitations are additional features of the claim. Rejection is maintained.

6. The applicant is correct that the Interview on July 13, 2006, the reference Bejan was discussed and that the Examiner and supervisor agreed that the proposed amendment "appears to overcome the current prior art rejection, however the proposed amend would require further search and consideration."

The examiner would like to point out that upon further consideration; the applicant's invention as claimed has not overcome the prior art references.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims include amendments where there are brackets. The examiner is assuming that the brackets were used instead of crossing out for words that are no longer in the claim such as:

Claim 9: "said data structure [[interactive embodiment]]"

Step (d) "[[and]]"

Claim 18: "said data structure [[interactive embodiment]]"

Step d: "an alternate scene [[the alternative content]]"

Claim 27: step (d): "an alternate scene [[the alternative content]]"

Claim 30: "[[and]]"

Claim 31: "an alternate scene [[the alternative content]]"

Claim 34: "said data structure [[interactive embodiment]]"

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media

> material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

10. Claims 9-18, 20-22, 24-31 and 34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claim 9 (and dependent claims) recites "an interactive entertainment embodied in a digital video storage medium with a data structure readable by a digital video player, and having an overall storyline to be delivered to a viewer, said data structure." Claim 9 recites a data structure, which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claims 18 (and dependent claims) and 34 recite "an interactive entertainment embodied in a digital video storage medium with a data structure readable by a digital video player and having an overall storyline to be delivered to a viewer, said data structure." Claims 18 recites a data structure which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claims 24, 27 and dependent claims recite "an interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a communications network." Claims 24 and 27 recite a data structure, which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claims 30-31 recite "an interactive entertainment embodied in an electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer over a broadcast network." Claims 30 and 31 recite a data structure, which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 1-4, 6-10, 18, 20-22, 24, 27, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bejan et al (US 5,465,384 and hereafter referred to as "Bejan").

Regarding Claims 1, Bejan discloses a method for structuring scene sequences for interactive entertainment (Figure 3), the method comprising the steps of:

(a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer (Column 9, lines 39-67, Column 10, lines 1-25);

(b) delivering some of the scenes to the viewer as branching points at which alternative decisions are presented that will determine the next scene sequence or subsequent act to be presented to the viewer (Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-25);

(c) for each alternative decision at a branching point, having available to present to the viewer a scene sequence corresponding to the decision (Column 9, lines 55-66);

(d) enabling the viewer to select one of the alternative decisions; (Column 8, lines 3-6);

(e) in response to the viewer's selected one of the alternative decisions, presenting the scene sequence that corresponds to the decision (Column 8, lines 47-50);

(f) structuring the branching points and their related scene sequences such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene (Column 10, lines 5-12);

(g) producing one or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene, each set of variation scenes being associated with a scene that is viewable after the linking scene or after intersection scene or linking scene branching continues (Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-25); and

(h) when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the linking scene (Column 9, lines 39-67, Column 10, lines 1-25).

Regarding Claims 4 and 18, Bejan discloses a method for structuring scene sequences for interactive entertainment (Figure 3) and an interactive embodiment is embodied in a digital video storage medium with a data structure readable by a digital video player and having an overall storyline to be delivered to a viewer structure readable by the video player (Figure 3, Column 5, lines 50-61, 62-67, Column 6, 1-8), the method and data structure comprising the steps of

(a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes (Figure 3, 2nd Branch A, 2nd Branch B, 3rd Branch C);

(b) in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented from which the viewer selects one of the alternative decisions (Figure 3);

(c) enabling the viewer to select one of the alternative decisions (Column 8, lines 3-6);

(d) and in each act that can be presented in a different order, providing neutral scenes in which the content is not dependent upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependent upon the order in which the act is viewed (Column 10, lines 5-12); and providing alternative connecting scenes leading into and out of the act (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22);

(e) And prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act (Figure 3);

(f) presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that reflect the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene that correspond to the viewer's selected on of the alternative decisions (Column 9, lines 39-67, Column 10, lines 1-25). Regarding Claim 18, Bejan discloses software enabled coding for present to the viewer an alternate scene in the act that is appropriate

for the order in which the act is viewed (Figure 3, Column 5, lines 50-67, Column 6, lines 1-8, 62-64, Column 7, lines 6-25). The Microsoft Press 3rd edition computer Dictionary defines a data structure as an organization scheme, such as a record or array that can be applied to data to facilitate interpreting the data or performing operations on it.

Regarding Claim 7, Bejan discloses a method for structuring scene sequences for interactive entertainment (Figure 3), the method comprising the steps of

(a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes (Figure 3, 2nd Branch A, 2nd Branch B, 3rd Branch C);

(b) in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented from which the viewer selects one of the alternative decisions (Figure 3);

(c) enabling the viewer to select one of the alternative decisions (Column 8, lines 3-6);

(d) in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act, wherein the alternative connecting scenes contain content that is related to the order in which the act is selected for viewing or selecting from content from the branching scenes or each act has a different scenes leading in and out of the act such as 2nd branch A has 3rd A, B, and C scenes and 2nd Branch B has 3rd D, E, and F scenes, and so on (Figure 3) and then

prompting the viewer to make a decision to determine the subsequent act (Figure 3, Column 9, lines 61-67, Column 10, lines 1-21) and

presenting to the viewer, in the subsequent act determined by his decisions, the alternative connecting scene that reflect the order in which the act is selected for viewing or an order of scenes is displayed based on the user's selections (Figure 3).

Regarding Claims 9, 24 and 30, Bejan discloses an interactive embodiment is embodied in a digital video storage medium with data structure readable by digital video player (Column 5, lines 50-61, 62-67, Column 6, 1-8, Figure 1, 36, Figure 3), an interactive entertainment embodied in electronic format with a readable data structure and having an overall storyline to be transmitted to a viewer (Column 5, lines 50-61, 62-67, Column 6, 1-8, Figure 1, 36, Figure 3), said interactive entertainment comprising: (a) a plurality of potentially viewable scenes (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (b) some of the scenes defining branching points of the entertainment by presenting alternative decisions from which the viewer selects on of the alternative decisions (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (c) for each alternative decision at a branching point, a sequence of scenes corresponding to the decision (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (d) the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene (Column 10, lines 1-22; and (e) one or more sets of

variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene and that corresponds to the viewer's selected one of the alternative decision, each set of variation scenes being associated with a scene that is viewable after the linking scene (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22) and software enabled coding or a program for interspersing in a scene sequence a variation scene that is selected from a set of variation scenes associated with the scene sequence wherein the selection is based upon previous decisions made prior to the linking scene (Column 5, lines 50-67, Column 6, lines 1-8, 62-64, Column 7, lines 1-24, Column 9, lines 55-67, Figure 3) and software enabled coding or a program for identifying in a scene sequence a variation scene that is associated with that scene sequence, wherein the selection is based upon previous decisions made prior to the linking scene (Column 5, lines 50-67, Column 6, lines 1-8, 62-64, Column 7, lines 1-24, Column 9, lines 55-67). The Microsoft Press 3rd edition computer Dictionary defines a data structure as an organization scheme, such as a record or array that can be applied to data to facilitate interpreting the data or performing operations on it.

Regarding Claims 27 and 31, Bejan discloses an interactive entertainment embodied in a videodisk player and electronic format with a readable data structure and having an overall storyline to be delivered to a viewer (Figure 1, 36, Figure 3, Column 5, lines 50-67, Column 6, lines 1-8), an interactive entertainment embodied in electronic format with a readable data structure and having an overall storyline to be delivered to a

viewer (Figure 1, 36, Figure 3, Column 5, lines 50-67, Column 6, lines 1-8,), said interactive entertainment comprising: (a) a plurality of potentially viewable scenes grouped as a plurality of acts or branches (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (b) sat least one of the acts having a scene that presents at least one set of alternative decisions from which the viewer selects on of the alternative decisions (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (c) each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed (Figure 3, Column 9, lines 39-67, Column 10, lines 1-22); (d) software enabled coding or a program for presenting to the viewer the alternative content in the act that is appropriate for the order in which the act is viewed (Column 5, lines 50-67, Column 6, lines 1-8, Column 7, lines 1-24, Column 8, lines 40-50, Column 9, lines 39-67, Column 10, lines 1-22). The Microsoft Press 3rd edition computer Dictionary defines a data structure as an organization scheme, such as a record or array that can be applied to data to facilitate interpreting the data or performing operations on it.

Regarding Claim 2, Bejan discloses all the limitations of Claim 1. Bejan discloses producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character or a scene is displayed to the audience and the

audience is presented with three choices on the direction of the plot and can select a character (Column 8, lines 40-50, Column 9, lines 39-45).

Regarding Claims 3, 6 and 8, Bejan discloses all the limitations of Claims 1, 4 and 7 respectively. Bejan discloses the entertainment may be viewed simultaneously by more than one interactive viewer, further comprising the steps of: (a) delivering some of the scenes to each interactive viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented (Column 8, lines 40-50, Column 9, lines 39-45); and (b) enabling different interactive viewers to make at least one of the alternative decisions (Column 8, lines 3-6).

Regarding Claims 10, 20, and 22 Bejan discloses all the limitations of Claims 9, 18, and 21 respectively. Bejan discloses a digital video player (Figure 1, 34) having means for enabling the viewer to make the alternative decisions, and (Column 8, lines 3-6) (b) software able to interpret the data structure in the storage medium for presenting the scene sequences that corresponds to the viewer's decisions, for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene from the set that is related to the particular decision made or in order to control the videodisk player based on the polling computer and main computer must have software and data concerning the images stored in the video disk (Column 5, lines 44-67, Column 6, lines 1-67, Column 7, lines 1-3, 26-45). Bejan discloses a suitable software system, which allows the main computer to store information concerning the time code or other address of images stored on the videodisk (Column 6, lines 50-61).

Regarding Claim 21, Bejan discloses all the limitations of Claim 18. Bejan discloses that the selectable-order acts have alternative connecting scenes leading into and out of the act including leading in scenes 2nd Branch A, B, C and leading out to 3rd A, B, C (Figure 3).

13. Claims 18, 20-22, 27-29, 31-34 is rejected under 35 U.S.C. 102(b) as being anticipated by Shiels et al (US 5,754,770 and hereafter referred to as "Shiels").

Regarding Claims 18, 27, 31, 32 and 34, Shiels discloses an interactive entertainment embodied in an local storage medium with a data structure readable by a digital video player having an overall storyline to be delivered to a viewer (Figure 3, Figure 6, Column 3, lines 44-67, Column 4, lines 18-37), an interactive entertainment embodied in an electronic format with a readable data structure having an overall storyline (Figure 3, Figure 6, Column 3, lines 44-67, Column 4, lines 18-37), an interactive entertainment embodied in an electronic format with a readable data structure having an overall storyline (Figure 3, Figure 6, Column 3, lines 44-67, Column 4, lines 18-37), a method for providing interactive entertainment in periodic serial format (Abstract, Column 6, lines 34-44), and an interactive entertainment embodied in a storage with a data structure and readable by a digital video player and having an overall storyline (Column 3, lines 44-67, Column 4, lines 18-37), the method comprising the steps of and the interactive entertainment: (a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of periodic episodes (Figure 6, B, D), each episode containing potentially viewable scenes; (b) in at least one of the episodes, presenting to the viewer alternative decisions that will

determine an order in which a subsequent episode will be presented (Column 6, lines 34-44); (c) enabling the viewer to select one of the alternative decisions (Column 6, lines 29-29); (d) in each episode that can be presented in a different order, providing alternative connecting scenes leading into and out of the episode or having scenes A leading into the episodes and C, H, E, lead out of the episodes (Figure 6, B, D, A); (e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent episode (Column 6, lines 34-44); (f) presenting to the viewer, in the subsequent episode determined by his decision, the alternative connecting scenes that are appropriate to the order in which the episode is presented (Column 4, lines 18-57, Column 6, lines 3-66). Regarding Claims 18, 27, 31, Shiels discloses software enabled coding for presenting to the viewer, in the subsequent episode determined by his decision, the alternate scene in the act that are appropriate to the order in which the episode is presented (Column 4, lines 18-57, Column 6, lines 3-66). The Microsoft Press 3rd edition computer Dictionary defines a data structure as an organization scheme, such as a record or array that can be applied to data to facilitate interpreting the data or performing operations on it.

Regarding Claim 21, Shiels discloses all the limitations of Claim 18. Shiels discloses the selectable-order acts have alternative connecting scenes leading into and out of the act or B and D have A leading in and scenes F, E, H, and C leading out (Figure 6).

Regarding Claims 20 and 22, Shiels discloses limitations of Claims 18 and 22. Shiels discloses a digital video player, comprising; (a) means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts (Column 6, lines 25-30, Figure 1, Figure 5) and (b) the CPU controls the operations of the set top box by receiving program information specify how the processor is to handle audio and video stream (Column 4, lines 1-67, Column 5, lines 1-8) which necessarily includes software for presenting to the viewer, in the acts determined by his decision, the connecting scenes appropriate to the order in which the act is presented.

Regarding Claim 28, Shiels discloses all the limitations of Claim 27. Shiels discloses the interactive entertainment is transmitted to a viewer over a communications network in real time or the VOD server transmits data over a communications network to STB when then displays data on TV (Column 3, lines 59-67).

Regarding Claim 29, Shiels discloses all the limitations of Claim 27. Shiels discloses the interactive entertainment is transmitted to a viewer over a communications network (Column 3, lines 50-53) and stored on a storage device (Column 4, lines 1-55).

Regarding Claim 33, Shiels discloses all the limitations of Claim 32. Shiels discloses the entertainment may be viewed simultaneously by more than one interactive viewer, further comprising the steps of; (a) presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent episode will be presented or the user will be shown a menu of options on the screen of the television with the menu displaying the alternative decision that the user may make for the narrative (Column 6, lines 34-44); and (b) enabling each interactive viewer to

make at least one of the alternative decisions or a user may make at least one alternative decision by using UID (Column 6, lines 25-29).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 11, 13, 14, 16, 17, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan in view of Shiels.

Regarding Claim 11, Bejan discloses all the limitations of Claim 10. Bejan is silent on digital video player is a general-purpose computer and monitor. Shiels discloses the digital video player can be in the form of a personal computer (Column 10, lines 27-39). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to use a general purpose computer and monitor as the digital video player (Column 10, lines 27-39) as taught by Shiels for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 13, Bejan discloses all the limitations of Claim 10. Bejan is silent on digital video player is a set top box (STB) and a television. Shiels discloses the use of a STB, which connected to a television (Column 3, lines 27-42). Therefore, it

would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to use a STB, which connected to a television (Column 3, lines 27-42) as taught by Shiels for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 14, Bejan discloses all the limitations of Claim 10. Bejan is silent on digital video player is a personal video recorder (PVR) having digital storage capability and a television. Shiels discloses the use of local storage, which many comprise a CD player or digital video player connected to a television via a STB (Column 3, lines 43-50). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to use a PVR with digital storage capacity and a television (Column 3, lines 43-50) as taught by Shiels for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 16, Bejan discloses all the limitations of Claim 10. Bejan is silent on the digital video player is a television having computing capability, wherein the television is adapted to present digital video to a user. Shiels discloses the digital video player is a television having computing capability, wherein the television is adapted to present digital video to a user or that necessary computing can be stored in a television (Column 10, lines 27-39). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to use a television as a digital video player to present digital video to a user (Column 10, lines 27-39) as taught

by Shiels for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 17, Bejan discloses all the limitations of Claim 10. Bejan is silent on the digital video player is a cable television system having a computer located at its head-end and a television. Shiels discloses the digital video player is a cable television system having a computer located at its head-end and a television (Column 3, lines 43-55). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to include the digital video player is a cable television system having a computer located at its head-end and a television (Column 3, lines 43-55) as taught by Shiels for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 25, Bejan discloses all the limitations of Claim 24. Bejan is silent on the interactive entertainment is transmitted to a viewer over a communications network in real time. Shiels discloses the interactive entertainment is transmitted to a viewer over a communications network in real time or the VOD server transmits data over a communications network to STB when then displays data on TV (Column 3, lines 59-67). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to include the interactive entertainment is transmitted to a viewer over a communications network in real time (Column 3, lines 59-67) as taught by Shiels for the benefit of allowing the viewer to make requests for interactive programming in their own time.

Regarding Claim 26, Bejan discloses all the limitations of Claim 24. Bejan is silent on the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device. Shiels discloses the interactive entertainment is transmitted to a viewer over a communications network (Column 3, lines 50-53) and stored on a storage device (Column 4, lines 1-55). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to include the interactive entertainment is transmitted to a viewer over a communications network (Column 3, lines 50-53) and stored on a storage device (Column 4, lines 1-55) as taught by Shiels for the benefit of storing a plurality of branch scenes that may or may not be used.

16. Claims 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan in view of Abecassis (US 6,553,178).

Regarding Claim 12, Bejan discloses all the limitations of Claim 10. Bejan is silent on the digital video player is a game player and television. In analogous art, Abecassis discloses the digital video play (Figure 5, 500) is a game player and a television (Column 19, lines 52-65), which is connected to a TV (Figure 9, 951, 931-936). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to include the digital video player is a game player and television (Column 19, lines 52-65, Figure 5, 500, Figure 9, 931-936, 951) as taught by Abecassis for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Regarding Claim 15, Bejan discloses all the limitations of Claim 10. Bejan is silent on the digital video player the digital video player is a computer and a television. Abecassis discloses the digital video player is a computer and a television (column 18, lines 42-45, Column 19, 66-67; Column 21, lines 36-39, Figure 9, 931-936, 951). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Bejan to include the digital video player is a computer and a television (column 18, lines 42-45, Column 19, 66-67; Column 21, lines 36-39, Figure 9, 931-936, 951) as taught by Abecassis for the benefit of using a well known device that is owned by many viewers and reduces overall costs.

Double Patenting

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

18. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/003,187 in view of Abecassis.

The instant application's "a method for structuring scene sequences for interactive entertainment" is met by "a method of presenting an interactive digital video work that can customize the content presented after branching points to a particular viewer based upon viewer's preferences" of Application No. 10/003,187, as interactive entertainment is based on viewer's preferences.

The instant application's "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer; delivering some of the scenes to the viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented to the viewer; for each alternative decision at a branching point, having available to present to the viewer a scene sequence corresponding to the decision; enabling the viewer to select one of the alternative decisions; in response to the viewer's selected one of the alternative decisions, presenting the scene sequence that corresponds to the decision" is met by the limitations "providing a plurality of potentially viewable scenes to deliver information content to a viewer; delivering some of the scenes to the viewer as the branching points at which alternative decisions are presented that will determine the next scene sequence to be presented to the viewer; for each alternative decision at a branching

point, having available to present to the viewer a scene sequence corresponding to the alternative decision; enabling the viewer to select one of the alternative decisions; in response to the viewer's selected one of the alternative decisions, presenting the scene sequence that corresponds to the decision" of Application No. 10/003187.

The instant application is missing "tracking the viewer's cumulative selected decisions and imputing that particular viewer's preferences and interests based on the viewer's selected decision; producing one or more sets of variation scenes that introduce the information content that address the different possible viewer preferences and interest, based on previous decisions selected from among the alternative decisions presented prior to the scene sequence, each set of variation scenes being associated with a scene that is viewable after the branching points; when the viewer is brought to a scene sequence that contains one of the sets of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's imputed preferences and interests, based on the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the scene sequence. Abecassis discloses the missing features (Figures 4A, 4B, 4E). It would be obvious to modify the instant application to include the limitation found in Application 10/003,187 as it is taught by prior art.

The instant application's "structuring the branching points and their related scene sequences such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene; producing one

or more sets of variation scenes that introduce content that reflects the consequences of previous decisions selected from among the alternative decisions presented prior to the linking scene, each set of variation scenes being associated with a scene that is viewable after the linking scene or after intersection scene or linking scene branching continues; and when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the linking scene" are additional features. It would have been obvious to modify Application No. 10/003,187 to include these limitations as prior art discloses the limitations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
June 13, 2007

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER